

PUBLIC EMPLOYEE POLITICAL ACTIVITY WHILE AT WORK

CAMPAIGN PRACTICES LAW

A *public employee may not solicit support for or opposition to* any political committee, the nomination or election of any person to public office, or the passage of a ballot issue *while on the job* or at the place of employment. However, subject to 2-2-121, this section *does not restrict the right* of a public employee to perform activities properly incidental to another activity required or authorized by law or *to express personal political views*. (13-35-226(4), MCA, emphasis added)

CODE OF ETHICS

- (a) Except as provided in subsection (3)(b), a public officer or *public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to* any political committee, the nomination or election of any person to public office, or the passage of a ballot issue *unless the use is:*
- (i) authorized by law; or
 - (ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.
- (b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" *does not include any activities related to solicitation of support* for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, *properly incidental activities are restricted to:*
- (i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;
 - (ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.
- (c) This subsection (3) *is not intended to restrict the right of a public officer or public employee to express personal political views*. (2-2-121(3), MCA, emphasis added)

TO GAIN A BETTER UNDERSTANDING OF THE TYPES OF CONDUCT REGULATED BY THE STATUTE, and what may or may not be prohibited, read the following decisions in which the statutes are construed and analyzed in the context of specific factual situations

(These decisions can be found on the web at www.politicalpractices.mt.gov):

Campaign Practices Decisions:

Huntley v Paxinos (5/11/00)
Rogers v Roberts (6/25/03)
Hutchin v Young & Ladner (10/14/03)
Willhoft & McDaniel v Cooney (12/3/03)
Seher & Valazquez v. Galt (7/26/04)
Mentzer v Darby School District (07/31/06)
Bennett v. MEA-MFT (10/5/06)
Butcher v Lund, Brett (1/25/07)
Smrdel v. Castle (7/16/07)

Ethics Decisions:

Seher & Valazquez v Galt Order of Dismissal (7/26/04)
Davison v Brown (6/2/04)
Davison v Brown; Summary Judgment (6/2/04)
Hutchin v Young & Ladner (10/14/03)
Mackin v Mazurek (6/01/00)

In addition, the Attorney General issued an opinion that may provide guidance:
<http://www.doj.mt.gov/resources/opinions2005/51-001.pdf>